

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29455 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- BADHAILA District- Rohtas

Phula Mohammad Mansuri @ Phula @ Phula Mohammad Ansari, Son of
Mohammad Miyan @ Mahmud Miya, Resident of village- Suara, P.S.-
Baghaila, District-Rohtas

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Baghaila
P.S. Case No.35 of 2020 registered under Sections 302, 120(B)
and 34 of the I.P.C. read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 21.12.2020, charge sheet has been
submitted and have a antecedent of one case under the Excise
Act as mentioned in para-3. Learned counsel for the petitioner
further submits that from bare perusal of the allegation as
alleged in the F.I.R., it would manifest that the informant has
alleged that his son was sleeping in his room and at 11.45 p.m.
informant heard gun shot and thus woke up and came out of his

room and he saw that five accused persons including this petitioner fleeing. Informant further alleged that he saw Rudal was carrying a katta. Learned counsel for the petitioner further submits that the petitioner has been falsely implicated in the case when he has no concerned with the occurrence and this fact also gets corroborated from the petition filed by the informant in the learned Court below that petitioner was not involved in the occurrence and his name was given based on suspicion.

Learned A.P.P. submits that since it has been submitted by the learned counsel for the petitioner that informant has filed an application in the court below stating that on suspicion the name of this petitioner was given when the petitioner was not involved in the occurrence. This fact should be verified by the learned court below.

Considering the fact that the petitioner is in custody since 21.12.2020 and charge-sheet has been submitted in the case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist, Rohtas at Sasaram in connection with Baghaila P.S. Case No. 35 of 2020 subject to the condition that the learned court below after

summoning the informant is satisfied that the application filed by the informant with regard to innocence of the petitioner was without any coercion.

(Satyavrat Verma, J)

ravishankar/-

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